UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,505	10/12/2001	Takayuki Asai	040447-0238	9792

22428 7590 06/20/2006

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER	
ENGLAND, DAVID E	

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/975,505	ASAI, TAKAYUKI	
	Examiner	Art Unit	
	David E. England	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DE

DETAILED ACTION

1. Claims 1 – 24 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, and 8 – 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al. U.S. Patent No. 6438576 (hereinafter Huang).

4. Referencing claim 1, as closely interpreted by the Examiner, Huang teaches an object, the object requested by a client from a server, the client accessing the server through a proxy server during a session, the method comprising:

periodically monitoring a residual amount of memory capacity in the client during said session to provide a plurality of monitoring results, said residual amount of memory capacity being an amount of unused memory capacity in the client that is free to accept data received by the client, (e.g. col. 5, line 42 – col. 6, line 4, *"The specific device **capabilities**, referred to herein as **receiver hint information (RHI)**, as well as the object data type (generally referred to herein as object-specific descriptor information) are included such as by being appended to the meta-information associated with requests and requested objects. The RHI can be **included with an object request by the requesting client device** 130, 131, or by one of the proxies (e.g., the first proxy coupled to the requesting device.) In the latter case the proxy 110, 111, 112 can access a table of device capabilities, based on an identifier of the requesting device sent with the request, and can construct the RHI based on the stored information in the table." & "...the local proxy server has access to a table wherein are stored the characteristics(e.g., type of display, size of graphics memory, etc.) of the various client devices that con be serviced by the local proxy."* & col. 11, lines 15 – 55);

5. notifying a filtering condition from the client to said proxy server in accordance with at least one of the plurality of monitoring results, (e.g. col. 5, line 42 – col. 6, line 4, *"The specific device **capabilities**, referred to herein as **receiver hint information (RHI)**, as well as the object data type (generally referred to herein as object-specific descriptor information) are included such as by being appended to the meta-information associated with requests and requested objects. The RHI can be **included with an object request by the requesting client device** 130, 131, or by one of the proxies (e.g., the first proxy coupled to the requesting device.) In the latter case the proxy 110, 111, 112 can access a table of device capabilities, based on an identifier of*

the requesting device sent with the request, and can construct the RHI based on the stored information in the table."); and

6. filtering the object by said proxy server in accordance with the filtering condition thus notified, (e.g. col. 6, lines 52 – 65, *"Object renderer may be a computer program which renders, by example, a color image into a black-and-white image, or one that reduces a complex HyperText Markup Language (HTML) text into a simple HTML text containing only summary of the HTML headers."*).

7. Referencing claim 8, as closely interpreted by the Examiner, Huang teaches the filtering condition is represented by a data length of the object, (e.g. col. 10, lines 46 – 67, *"It can be appreciated that a proxy server 110, 111, 112 that receives an image object having the above-noted PICS label r(c 16 s 1000), in response to a request from the PDD having the above-noted RHI d(c 1 s 2), will be informed that the PDD is incapable of displaying the image object as received, and that the image object will need to be rendered into a form that the PDD is capable of displaying."*).

8. Referencing claim 9, as closely interpreted by the Examiner, Huang teaches said proxy server prohibits a file having a data length exceeding the data length notified from the client as the filtering condition from being transmitted to the client, (e.g. col. 10, lines 46 – 67, *"If, however, for some reasons the proxy server elects to not completely render the image object, or to not render the image object at all, due to, for example, loading considerations or a lack of*

suitable software, then the PICS label of the image object will not reflect a condition compatible with the display capabilities of the PDD.").

9. Referencing claim 10, as closely interpreted by the Examiner, Huang teaches the client is a cellular phone terminal, (e.g. col. 6, lines 24 – 38, *"smart phone"*).

10. Claims 12 – 14, 16 and 17 are rejected for similar reasons stated above.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 2 – 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Britton et al (6681380) (hereinafter Britton).

13. As per claim 2, as closely interpreted by the Examiner, Huang teaches the filtering condition is notified from the client to said proxy server, (e.g. col. 3, lines 50 – 67), but does not specifically teach after an elapse of a predetermined time period since a previous notification. Britton teaches after the elapse of a predetermined time period since a previous notification, (e.g., col. 12, line 47 – col. 13, line 10, *"Depending on how often new rules are created, this*

parsing process may be invoked each time the present invention operates to perform an aggregation of information, or it may be invoked less often (for example, only when new rules have been created, or at predetermined periodic intervals, etc.)."). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Britton with Huang because having the conditions automatically updated periodically enables the user or other administrative personal the flexibility to not intervene every time a parameter changes, therefore making the conditions more dynamic and closer to real time when the parameters change.

14. Referencing claim 3, as closely interpreted by the Examiner, Huang does not specifically teach the predetermined time period is freely set from an external source. Britton teaches the predetermined time period is freely set from an external source, (e.g., col. 12, line 47 – col. 13, line 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Britton with Huang because of similar reasons stated above.

15. Referencing claim 4, as closely interpreted by the Examiner, Huang does not specifically teach the filtering condition is valid only for a predetermined time period after the proxy server is notified of the filtering condition teaches. Britton teaches the filtering condition is valid only for a predetermined time period after the proxy server is notified of the filtering condition, (e.g., col. 12, line 47 – col. 13, line 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Britton with Huang because of similar reasons stated above.

16. Claims 5 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (6438576) in view of Gauvin et al. (6061686) (hereinafter Gauvin).

17. Referencing claim 5, as closely interpreted by the Examiner, Huang does not specifically teach the filtering condition is represented by a filename extension of the object.

18. Gauvin teaches the filtering condition is represented by a filename extension of the object, (e.g. col. 8, line 60 – col. 9, line 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Gauvin with Huang because filtering out specific types of data would guaranty that the specific types would not be introduced into the environment to overwhelm the network with more bandwidth demands. Furthermore, with would also ensure that only information desired by the user would be transmitted to the user's system.

19. Referencing claim 6, as closely interpreted by the Examiner, Huang does not specifically teach said proxy server prohibits only a file having the filename extension notified from the client as the filtering condition from being transmitted to the client.

20. Gauvin teaches said proxy server prohibits only a file having the filename extension notified from the client as the filtering condition from being transmitted to the client, (e.g. col. 8, line 60 – col. 9, line 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Gauvin with Huang because of similar reasons stated above.

21. Referencing claim 7, as closely interpreted by the Examiner, Huang does not specifically teach said proxy server allows only a file having no filename extension notified from the client as the filtering condition to be transmitted to the client. Gauvin teaches said proxy server allows only a file having no filename extension notified from the client as the filtering condition to be transmitted to the client, (e.g. col. 8, line 60 – col. 9, line 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Gauvin with Huang because of similar reasons stated above.

22. Claim 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (6438576) in view of Eerola (6678518).

23. Referencing claim 11, as closely interpreted by the Examiner, Huang teaches the use of a wireless phone as described above but does not specifically teach said proxy server is a gateway server for WAP (Wireless Application Protocol).

24. Eerola teaches said proxy server is a gateway server for WAP (Wireless Application Protocol), (e.g. col. 1, lines 44 – 53). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Eerola with Huang because it would be more efficient and compatible for a system to utilize a protocol that is common to integrate with other users in other system than to have a non-compatible system that could not do the described function without a type of adapter.

25. Claims 12, 16, 17, 19, 20 and 22 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Ferguson (6769019).

26. Referencing claim 19, as closely interpreted by the Examiner, Huang teaches a client device for accessing a server through a proxy server during a session to request a desired object from the server, the client device comprising:

27. a controller for controlling an access to said proxy server to acquire the object, (e.g. col. 5, line 41 – col. 6, line 4); and

28. a memory unit for storing the object, (e.g. col. 5, line 41 – col. 6, line 4);

29. wherein said controller is configured to periodically monitor a residual amount of memory capacity of said memory unit during said session, (e.g. col. 5, line 42 – col. 6, line 4, *"The specific device **capabilities**, referred to herein as **receiver hint information (RHI)**, as well as the object data type (generally referred to herein as object-specific descriptor information) are included such as by being appended to the meta-information associated with requests and requested objects. The RHI can be **included with an object request by the requesting client device** 130, 131, or by one of the proxies (e.g., the first proxy coupled to the requesting device.) In the latter case the proxy 110, 111, 112 can access a table of device capabilities, based on an identifier of the requesting device sent with the request, and can construct the RHI based on the stored information in the table."*)

30. wherein when said controller detects that a residual amount of memory, said controller notifies to said proxy server a filtering condition for filtering the object, (e.g. col. 5, line 41 – col. 6, line 4), but does not specifically teach memory of said memory unit is equal to a

predetermined residual amount or less. Ferguson teaches detecting that a residual amount of memory of said memory unit is equal to a predetermined residual amount or less said controller notifies to said proxy server a filtering condition for filtering the object, (e.g., col. 10, line 61 – col. 11, line 50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Ferguson with Huang because utilizing a threshold in a system for memory enables a user to not have information that is too large to be save on their system which can not fit it.

31. As per claim 20, as closely interpreted by the Examiner, Huang teaches wherein the filtering condition is represented by a data length of the object, (e.g., col. 10, lines 20 – 45).

32. As per claim 22, as closely interpreted by the Examiner, Huang does not specifically teach the controller is configured to establish the session between the client device and the proxy server; and

33. wherein the session is maintained until the session is terminated by the client device or the proxy server. Ferguson teaches the controller is configured to establish the session between the client device and the proxy server, (e.g., col. 26, line 47 – col. 27, line 13); and

34. wherein the session is maintained until the session is terminated by the client device or the proxy server, (e.g., col. 26, line 47 – col. 27, line 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Ferguson with Huang because utilizing the controller to aid in the setup of a session enables the controller to control

what parameters are sent between the two devices and establish an intermediate in the communication process.

35. As per claim 23, as closely interpreted by the Examiner, Huang teaches the residual amount of memory capacity of the memory unit is able to change as data is stored in said memory unit, (e.g. col. 5, line 42 – col. 6, line 4).

36. As per claim 24, as closely interpreted by the Examiner, Huang teaches the residual amount of memory capacity of the memory unit is less than a total amount of memory capacity of the memory unit, (e.g. col. 5, line 42 – col. 6, line 4).

37. Claims 12, 16 and 17 are rejected for similar reasons stated above. is rejected for similar reasons as stated above

38. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang and Ferguson in view of Britton.

39. Claims 13 and 14 are rejected for similar reasons as stated in claims 12 and 2 – 4.

40. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang and Ferguson in view of Gauvin.

41. Claim 15 is rejected for similar reasons as stated in claims 12 and 5 – 7.

42. Claims 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang and Ferguson in view of Eerola (6678518).

43. As per claim 21, as closely interpreted by the Examiner, Huang and Ferguson do not specifically teach the controller is configured to establish the session between the client device and the proxy server using WSP (Wireless Session Protocol). Eerola teaches the controller is configured to establish the session between the client device and the proxy server using WAP, (it is well known in the art that Wireless Session Protocol is the Session layer protocol family in the WAP architecture is called the Wireless Session Protocol, WSP. WSP provides the upper-level application layer of WAP with a consistent interface for two session services. The first is a connection-mode service that operates above a transaction layer protocol WTP, and the second is a connectionless service that operates above a secure or non-secure datagram transport service.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eerola with the combine system of Huang and Ferguson because of similar reasons stated above.

44. Claim 18 is rejected for similar reasons stated above in claims 12 and 11.

Response to Arguments

45. Applicant's arguments filed 03/09/2006 have been fully considered but they are not persuasive.

46. Applicant states that the Examiner stated that amending the claims to include the concept of periodically monitoring the residual amount of memory capacity in the client would cause the claims to easily overcome the Huang reference.

47. Examiner as stated no such promise and has only suggested that utilizing claim language similar to what is stated above **COULD** overcome the prior art but the Applicant would have to make sure that the amendment was clear enough to do such. Applicant's amendment attempt is in the right direction but there is no language that states how the monitoring is specifically conducted. All that is stated is that it is "periodically" done. There is no claim language that states if this is done separately from the request for web data or with. As can be seen in Huang, this can occur every time a user requests an object by sending the RHI information with it, therefore making it a dynamic request.

48. In the Remarks, Applicant argues in substance that neither Huang or Ferguson teach the claim language of periodically monitoring a residual amount of memory capacity in the client during said session to provide a plurality of monitoring results.

49. As to part 1, Applicant is asked to view the above remark and the newly cited areas of the prior art. Furthermore, when reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In re Preda, 401

F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby, 309 F. 2d 513, 135 USPQ 317 (CCPA 1962). The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).

50. In the Remarks, Applicant argues in substance that Britton, Gauvin and Eerola do not teach the Applicant's claim language.

51. As to part 2, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

52. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

53. a. Britton et al. U.S. Patent No. 6681380 discloses Aggregating constraints and/or preferences using an inference engine and enhanced scripting language.

54. b. Tso et al. U.S. Patent No. 6421733 discloses System for dynamically transcoding data transmitted between computers.

55. c. Mousseau et al. U.S. Patent No. 6477529 discloses Apparatus and method for dynamically limiting information sent to a viewing device.

56. d. Yun et al. U.S. Patent No. 6842836 discloses Streaming media cache filing.

57. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David E. England
Examiner
Art Unit 2143

DE

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100